

REMARKS/ARGUMENTS

In response to the Office Action dated August 15, 2006, Claims 1-4, 6 and 32 remain in the application. Claims 3 and 4 have been amended.

Claims 3-4, 6 and 32 were rejected under 35 USC 112, 2nd paragraph.

Claims 1-4, 6 and 32 were rejected for non-statutory obviousness-type double patenting.

Claim Rejections - 35 USC § 112

Claims 3-4, 6 and 32 were rejected under 35 USC 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In order to overcome this rejection, Claims 3 and 4 have been amended to replace the term "element" with the term "species". The term "species" has antecedent basis in Claim 1. Therefore, Claims 3 and 4 now comply with the requirements of 35 USC 112, second paragraph. Claims 6 and 32 were rejected as depending upon Claim 3 and 6, respectively, and therefore comply with the requirements of 35 USC 112, second paragraph, as well. Accordingly, withdrawal of this rejection is respectfully requested.

Double Patenting

Claims 1-4, 6 and 32 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-59 of U.S. Patent No. 6,893,907 B2.

Applicants hereby submit a Terminal Disclaimer to obviate the double patenting rejection over U.S. Patent No. 6,893,907 B2.

Withdrawn Claims

All of the withdrawn claims (Claims 5, 7-31 and 33-89) depend directly or indirectly upon Claim 1. They are therefore patentable upon the same basis as Claim 1. Accordingly, it is respectfully requested that the withdrawn claims be reinstated and allowed upon the same basis as Claim 1.


Summary

In view of the foregoing corrections, it is felt that the rejection of the claims under 35 USC 112, 2nd paragraph and double patenting have been overcome. Therefore, examination of the application is respectfully requested.

If, However, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, the Examiner should telephone Robert Wallace at (805) 644-4035 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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